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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
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ALEXANDRIA, VA 22314

EXAMINER

TOPGYAL, GELEK W

ART UNIT	PAPER NUMBER
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2621

NOTIFICATION DATE	DELIVERY MODE
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07/11/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/016,828	Applicant(s) DAVID ET AL.	
	Examiner Gelek Topgyal	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/2/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-88,102,103 and 106-134 is/are pending in the application.
- 4a) Of the above claim(s) 37-88, 106-132 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-36,102,103,133 and 134 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 4/2/2007 have been fully considered but they are not persuasive.

2. In re page 29, the applicants argue that **Claims 107-132** recite the generation of metadata, in accordance with the invention recited in Claims 1-36, 102 and 103, and therefore, request examination of Claims 107-132.

In response, the examiner respectfully disagrees. Refer to the restriction requirement below. Furthermore, it is noted that invention I and invention III both teach methods/apparatuses that are able to generate metadata. However, the two inventions present two separate and distinct methods for generating two different types of metadata. Invention I teaches the generation of metadata that is associated with first and second identifiers and the recording medium identifier. Invention III teaches the generation of metadata in accordance with an activity indicator that is representative of relative activity within a content of the video and/or audio material. The two methods are therefore separate and distinct inventions. Claims 107-132 will therefore remain withdrawn from prosecution.

3. In re pages 30-31, the applicants argue **Claims 29, 30, 36, 37, and 102-103** for having been rejected under 35 USC 101.

In response, the examiner respectfully disagrees. **Claims 29 and 30** do remain rejected under 35 U.S.C. 101. The applicants are directed to "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter" below for clarification.

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The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Nonfunctional descriptive material that does not constitute a statutory process, machine, manufacture or composition of matter and should be rejected under 35 U.S.C. Sec. 101. Certain types of descriptive material, such as music, literature, art, photographs and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture or composition of matter. USPTO personnel should be prudent in applying the foregoing guidance. Nonfunctional descriptive material may be claimed in combination with other functional descriptive multi-media material on a computer-readable medium to provide the necessary functional and structural interrelationship to satisfy the requirements of 35 U.S.C. Sec. 101. The presence of the claimed nonfunctional descriptive material is not necessarily determinative of nonstatutory subject matter. For example, a computer that recognizes a particular grouping of musical notes read from memory and upon recognizing that particular sequence, causes another defined series of notes to be played, defines a functional interrelationship among that data and the computing processes performed when utilizing that data, and as such is statutory because it implements a statutory process.

Claim 29 and 30 are rejected under 35 U.S.C. Sec. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claim 29 recites a medium that includes "material identifiers, first identifier, recording medium identifier and semantic metadata" which does not impart functionality to a computer or computing device, and is thus considered nonfunctional descriptive material. Such nonfunctional descriptive material, in the absence of a functional interrelationship with a computer, does not constitute a statutory process, machine, manufacture or composition of matter and is thus non-statutory per se.

It is suggested to amend claims 29 and 30 to recite "A reproducing apparatus including a recording medium on which....." to overcome the 101 rejection.

Furthermore, in response, the examiner respectfully disagrees. Claims 36, 37, 102 and 103 remain rejected under 35 U.S.C. 101. Similarly, the applicants are directed to "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter" below for clarification.

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The USPTO "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (Official Gazette notice of 22 November 2005), Annex IV, reads as follows:

Descriptive material can be characterized as either "functional descriptive material" or "nonfunctional descriptive material." In this context, "functional descriptive material" consists of data structures and computer programs which impart functionality when employed as a computer component. (The definition of "data structure" is "a physical or logical relationship among data elements, designed to support specific data manipulation function." The New IEEE Standard Dictionary of Electrical and Electronic Terms 308 (5th ed. 1993).) "Nonfunctional descriptive material" includes but is not limited to music, literary works and a compilation or mere arrangement of data.

When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Compare *In re Lowry*, 32 F.3d 1579, 1583-84, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium that increases computer efficiency held statutory) and *Warmerdam*, 33 F.3d at 1360-61, 31 USPQ2d at 1759 (claim to computer having a specific data structure stored in memory held statutory product-by-process claim) with *Warmerdam*, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held statutory).

In contrast, a claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional interrelationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory. See *Lowry*, 32 F.3d at 1583-84, 32 USPQ2d at 1035.

Claims 36, 37, 102 and 103 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as follows. Claims 36, 37, 102 and 103 defines a "computer program product" embodying functional descriptive material. However, the claim does not define a computer-readable medium or memory and is thus non-statutory for that reason (i.e., "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized" – Guidelines Annex IV). That is, the scope of the presently claimed "computer program product" can range from a paper on which the program is written, to a program simply contemplated and

memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium" or equivalent in order to make the claim statutory. Any amendment to the claim should be commensurate with its corresponding disclosure.

4. In re page 31, the applicants argues in regards to Claim 1 that Dorricott does not teach or suggest the generation of semantic metadata describing an attribute of the material, wherein the semantic metadata is associated with a first identifier and a recording medium identifier.

In response, the examiner respectfully disagrees. As discussed below in the prior art rejection, Dorricott does in fact teach the generation of the broadly claimed "semantic metadata describing an attribute of the material", which met the generation of copyright information of the material within the database 5.

5. In re page 32, the applicants argue that Dorricott does not disclose associating semantic metadata with the first identifier and the recording medium identifier in combination as recited in Claim 1.

In response, the examiner respectfully disagrees. The claim language does not require the semantic metadata to be stored together. The word "associated" can be interpreted in many ways and is not solely limited to be interpreted as being stored together on the same medium, as argued by the applicants.

6. In re pages 32-33, the applicants argue that Claims 7, 16, 23, 29, 31 and 33-35 should be allowable for the same reasons as discussed above with respect to Claim 1.

In response, the examiner respectfully disagrees. As discussed in paragraph 4 above, Dorricott does in fact teach the generation of semantic metadata, and as such, Claims 7, 16, 23, 29, 31 and 33-35 remain rejected as well.

7. In re page 33, the applicants argue that new Claims 133 and 134 that depend on Claim 1 are allowable for the same reasons as discussed above with respect to Claim 1.

In response, the examiner respectfully disagrees. As discussed in paragraph 4 above, Dorricott does in fact teach the generation of semantic metadata, and as such, newly added Claims 133 and 134 is rejected.

Election/Restrictions

8. **Claims 107-132** directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-37, and 102-105, are drawn to a video and/or audio signal processing system including the feature for recording and reproducing "a first generator for generating first material identifiers for identifying respective pieces of material on the medium, and a second generator for generating second, universally unique, identifiers for pieces of material, second identifiers being generated in respect of one or more of the first identifiers", classified in class 386, subclass 95.
- II. Claims 38-45, are drawn to a digital video tape recorder including the feature for "being operable to store a material identifying code in the user-

definable bits of the slant track video timecode and in the user-definable bits of the linear track timecode”, classified in class 386, subclass 65.

- III. Claims 46-88, and 106-132, are drawn to recording and reproducing apparatuses and methods that include the feature for “recording audio and/or video signal information signals onto a liner recording medium, and to record metadata associated with said information signals onto said linear recording media with said information signals, wherein metadata is recorded repeatedly” and “generating an activity indicator of ... within a content of the video and/or audio material” and for “generating metadata associated with the activity indicator”, classified in class 386, subclass 124.

The inventions are distinct, each from the other because of the following reasons:

9. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I features a audio and video processing system for recording unique first and second material identifiers for identifying respective audio and video material, has separate utility such as a digital video tape recorder for recording material identifying code on user-definable bits of slant and linear track timecode, and does not require the particular feature of Group II for patentability. See MPEP § 806.05(d).

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10. Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination I features a audio and video processing system for recording unique first and second material identifiers for identifying respective audio and video material, has separate utility such as apparatus and method for recording metadata associated with audio and video information onto linear recording media and for generating an activity indicator representative of relative activity within the video and/or audio content, and does not require the particular feature of Group III for patentability. See MPEP § 806.05(d).

11. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination II features a digital video tape recorder for recording material identifying code on user-definable bits of slant and linear track timecode, has separate utility such as an apparatus for recording metadata associated with audio and video information onto linear recording media and for generating an activity indicator representative of relative activity within the video and/or audio content, and does not require the particular feature of Group III for patentability. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found

allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, **claims 107-132** are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Objections

12. **Claim 14** is objected to because of the following informalities: Dependency should be based on claim 1. Appropriate correction is required.

Claim Rejections - 35 USC § 112

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claims 1, 16, 23, 29, 31 and 33-35** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 16, 23, 31 and 33-35 recites the limitation "the first identifier" in the last paragraph of each claim. There is insufficient antecedent basis for this limitation in the claim.

Claim 29 recites the limitation "the first identifier" and "the recording medium identifier" in the sixth line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

15. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

16. **Claims 1, 3-6, 8, 15-17, 21, 23-26, 28-29, 31-36, 102-103 and 133-134** are rejected under 35 U.S.C. 102(b) as being anticipated by Dorricott et al. (GB 2 312 078).

Regarding claim 1, Dorricott et al. teaches a video and/or audio signal processing system (Fig. 1) comprising:

a recorder (page 2, lines 21-25 teaches store manager 3 as controlling writing and reading to the store 1, VTRs 2 and other storage 21, where video and/or audio material are stored) configured to record video and/or audio material on a recording medium, the recorder including:

a first generator configured to generate first material identifiers for identifying respective pieces of material on the medium such that each piece is differentiated from other pieces on the medium (Fig. 3 and page 3, lines 8-26 teaches that "a name for the material" is generated for a piece of a stored material);

a second generator configured to generate second identifiers for pieces of material, the second identifiers being generated in accordance with the first material identifiers (Fig. 3 and page 3, lines 8-26 teaches that a "store manager 3" generates a Unique Material Identification Code (UMID) for a piece of stored material) and a recording medium identifier for identifying the recording medium upon which the material is recorded (Fig. 3 and page 3, lines 8-26 teaches "b). data for locating the files where the material is stored.....; the medium e.g. the identity of a particular tape;"), and

a metadata generator (store manager 3) configured to generate semantic metadata (page 3, lines 8-26 teaches copyright information (block 32) which describes

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the video as being copyrighted or not) describing an attribute of the material, wherein the semantic metadata is associated with the first identifier and the recording medium identifier (page 3, lines 8-26 teaches that the first material identifier (met by "a name for material"), the recording medium identifier (met by "the medium e.g. the identity of a particular tape") and the copyright information (meeting claimed semantic data) and EDL information are stored together in database 5).

Regarding claim 3, Dorricott et al. teaches the claimed wherein a third identifier identifying the machine which initially produces the video and/or audio material is produced and the second generator associates the second identifiers with the medium identifier and the first identifiers and the third identifiers in combination (Fig. 3 and page 3, lines 8-26 teaches "b) data for locating the files where the material is stored. That data identifies: the store (1, 2, 21); the medium e.g. the identity of a particular tape;" The store (1, 2, 21) are machines that stores the "materials").

Regarding claims 4, 133 and 134, Dorricott et al. teaches the claimed wherein the second identifiers are universally unique UMIDs (Page 3, lines 9-10 teaches that these UMIDs are universally unique).

Regarding claim 5, Dorricott et al. teaches the claimed wherein the first identifiers are recorded on the medium (Fig. 3 and page 3, lines 8-26 teaches the identifying data are stored in database 5).

Regarding claim 6, Dorricott et al. teaches the claimed wherein the first identifiers comprise material reference numbers (As discussed in claim 1 above, the material's name is recorded. The name is a reference to the material stored).

Regarding claim 8, Dorricott et al. teaches the claimed wherein the medium identifier is recorded on the medium (For the same reasons as discussed in claim 2 above. The medium identifier is stored in the database).

Regarding claim 15, Dorricott et al. teaches the claimed further comprising a database processor arranged to associate the second identifiers with at least the first identifiers or with the first identifiers and one or more of the medium identifiers and the third identifiers (Page 3, lines 22-26 teaches that the database 5 stores the material name, UMID, the machine and tape IDs together).

Claims 16, 23, 29, and 33-35 are rejected for the same reasons as discussed in claim 1 above. The rejection for claim 1 above, applies to the multitude of methods, systems, recorders, and reproducers as claimed.

Claim 17 is rejected for the same reasons as discussed in claim 8 above.

Regarding claim 21, Dorricott et al. teaches the claimed wherein the recorder is arranged to produce a machine identifier identifying the recorder and to record the machine identifier on the medium and/or in the data store (As discussed above in claim 16 (via claim 1) and claim 3, the machine identifier is stored).

Claim 24 and 25 are rejected for the same reasons as discussed in claim 3 above.

Claim 26 is rejected for the same reasons as discussed in claim 16 (via claim 1) above, and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claim 28 is rejected for the same reasons as discussed in claims 1 and 4 above; and additionally, the system as disclosed by Dorricott et al. is capable of retrieval, manipulation and playback of the materials stored.

Claims 31 and 32 are rejected for the same reasons as discussed above in the combination of claims 1 and 2.

Computer program product claims 36, 102 and 103 are rejected for the same reasons as discussed above in claims 33,34 and 35, respectively. The system of Dorricott et al. is run on a computer (Fig. 1), which reads on the claimed "digital signal processor".

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

18. **Claim 7** is rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078) in view of Wilkinson J. H. ("LINKING ESSENCE AND METADATA IN A SYSTEMS ENVIRONMENT").

Regarding claim 7, Dorricott et al. teaches the limitations as discussed in claim 6 above, however fails to particularly teach wherein the first identifiers are recorded in the user bits of time codes.

In an analogous art, Wilkinson J. H. teaches in section 2.4 that material numbers defining a particular media clip is stored in the basic UMID. The basic UMID is stored as a header to the media clips (Fig. 2), and therefore are stored in the user bits of time codes.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to store the first identifiers in the user bits of time codes as taught by Wilkinson J. H. to allow media materials or clips to be automatically identify the materials or clips themselves. This aids in the archiving and furthermore the retrieval of clips when stored in a database.

19. **Claims 9-12, 18-20, 22, 27 and 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 9-12, 18-20, 22, 27 and 30 recite limitations that relate to a housing which contains the medium and supports a data store, additional to the medium capable of storing the following: the first identifier, third identifier (machine identifier), and the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5, 16-17, 23-26, 29), however fails to teach a data store, additional to the medium that stores the same information. The examiner elects to take Official Notice.

It is well known and conventional in the art for a recording medium to have an additional storage medium supported by a housing, in addition to the recording medium itself, to record same identification information as that stored on the recording medium.

The additional storage medium acts as a backup storage identification information. This allows a user to identify a particular medium and what is stored on the medium without having to actually read the medium. Also, in the case that identification information is lost on the recording medium, the additional storage medium allows for a backup copy to be available.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the ability to incorporate an additional storage medium, in addition to the recording medium itself to decrease the time for effective media/material retrieval in a database by allowing a user to identify and preview information stored on the medium.

20. **Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dorricott et al. (GB 2 312 078).

Claims 13 and 14 recite limitations wherein the housing of the medium has a label writable with the medium identifier. Dorricott et al. teaches that all of the information is stored on the medium (As discussed above in claims 1-5), however fails to teach wherein the housing has a label writable with the medium identifier. The examiner elects to take Official Notice.

It is well known and conventional in the art to be able to label a housing with a medium identifier.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to label a housing with a medium identifier so that a user can

improve efficiency of retrieval of a particular medium within a database by being able to identify the medium without having to play the particular medium.

Conclusion

21. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gelek Topgyal whose telephone number is 571-272-8891. The examiner can normally be reached on 8:30am -5:00pm.

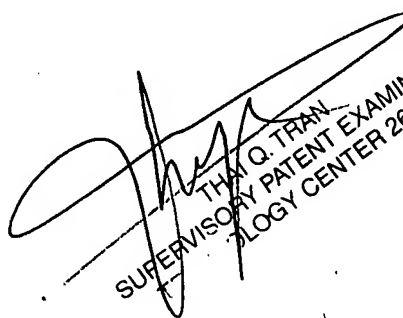
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GT

6/15/2007


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SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 2600